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October 29, 2015

**Via CM/ECF**

Ninth Circuit Court of Appeals  
The James R. Browning Courthouse  
Attn: Clerk of the Court  
95 7<sup>th</sup> Street  
San Francisco, CA 94103

Re: Availability for Oral Argument in *Silvester v. Harris*, No.: 14-16840

Dear Clerk of the Court:

In response to the Court's invitation to advise regarding potential conflicts during the February 2016 calendar for oral argument in the above-referenced appeal, please note that our firm has a mandatory settlement conference in Sacramento on February 11, in another case involving the appellant here. Given the location of the various counsel in this appeal, we respectfully request that oral argument be set in San Francisco. Thank you for your consideration.

Sincerely,

/s/ *Bradley A. Benbrook*

Bradley A. Benbrook